

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION - DETROIT**

**IN THE MATTER OF:**  
SYLVIA ANN CHATMAN

CHAPTER 13  
CASE NO. 08-41440-SWR  
JUDGE STEVEN W RHODES

Debtor \_\_\_\_\_ /

**TRUSTEE'S MOTION TO DISMISS FOR FAILURE TO MAKE PAYMENTS**

**NOW COMES** the Chapter 13 Trustee, Krispen S. Carroll, and moves this Honorable Court for dismissal of the above-captioned matter pursuant to 11 U.S.C. §1307 (c) and in support thereof states as follows:

1. This motion is brought pursuant to 11 U.S.C. §1307 (c)(6).
2. According to the books and records of the Trustee the Debtor has failed to make payments under the confirmed Chapter 13 Plan.
3. Debtor's failure to make plan payments is a material default with respect to a term of a confirmed plan.

**WHEREFORE**, the Chapter 13 Trustee requests this Honorable Court dismiss the above captioned matter due to a material default in the terms of the Confirmed Plan

OFFICE OF THE CHAPTER 13 STANDING TRUSTEE-DETROIT  
Krispen S. Carroll, Chapter 13 Standing Trustee

September 29, 2009

\_\_\_\_\_  
/s/ MARGARET CONTI SCHMIDT  
KRISPEN S. CARROLL (P49817)  
MARGARET CONTI SCHMIDT (P42945)  
MARIA GOTSIS (P67107)  
719 Griswold  
Suite 1100  
Detroit, MI 48226  
(313) 962-5035  
notice@det13ksc.com

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
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**ORDER DISMISSING CASE**

This matter having come to be heard upon the Trustee's Motion to Dismiss for Failure to Make Payments filed pursuant to 11 U.S.C. §1307 (c)(6), notice having been duly given and an opportunity for hearing having been provided, and based upon the records of the court herein, the Court finds that the relief requested is warranted, and the Court being otherwise sufficiently advised in the premises.

**IT IS HEREBY ORDERED** that the Chapter 13 Case of the Debtor herein be and the same hereby is dismissed for the failure to make the payments as required under the Chapter 13 Plan, which constitutes a material default in the plan;

**IT IS FURTHER ORDERED** that the Clerk of the Court shall immediately provide notice of the entry of this order to all creditors listed in this case, the Debtor, Debtor's attorney, if any, and the Trustee;

**IT IS FURTHER ORDERED** that Krispen S. Carroll, Trustee, is discharged as Trustee and the Trustee and her surety is released from any and all liability on account of the within proceeding;

\_\_\_\_\_  
U.S. BANKRUPTCY JUDGE

EXHIBIT "A"

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**UNITED STATES BANKRUPTCY COURT  
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Debtor \_\_\_\_\_ /

**NOTICE OF TRUSTEE'S MOTION TO DISMISS**

The Chapter 13 Trustee has filed papers with the court to dismiss the above-captioned case.

**Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult with one.)**

If you do not want the court to dismiss the above-captioned case or if you want the court to consider your views on the Trustee's motion, within 15 days, you or your attorney must:

1. File with the court a written response or an answer, explaining your position at (1):

**United States Bankruptcy Court  
211 W. Fort Street, Suite 2100  
Detroit, MI 48226**

If you mail your response to the court for filing, you must mail it early enough so the court will **receive** it on or before the date stated above.

You must also mail a copy to:

**OFFICE OF THE CHAPTER 13 TRUSTEE - DETROIT  
ATTN: MOTION DEPARTMENT**

719 Griswold  
Suite 1100  
Detroit, MI 48226

2. If a response or answer is timely filed and served, the clerk will schedule a hearing on the Motion and you will be served with a notice of the date, time and location of the hearing.

**If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief.**

OFFICE OF THE CHAPTER 13 STANDING TRUSTEE-DETROIT  
Krispen S. Carroll, Chapter 13 Standing Trustee

September 29, 2009

\_\_\_\_\_  
/s/ MARGARET CONTI SCHMIDT  
KRISPEN S. CARROLL (P49817)  
MARGARET CONTI SCHMIDT (P42945)  
MARIA GOTSIS (P67107)  
719 Griswold  
Suite 1100  
Detroit, MI 48226  
(313) 962-5035  
notice@det13ksc.com

<sup>1</sup> Response or answer must comply with F.R.Civ.P.8(b), (c) and (e)

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Debtor \_\_\_\_\_ /

**CERTIFICATE OF MAILING**

I hereby certify that on the date indicated below, I electronically filed **TRUSTEE'S MOTION TO DISMISS, NOTICE OF TRUSTEE'S MOTION TO DISMISS and CERTIFICATE OF MAILING** with the Clerk of the Court using the ECF system which will send notification of such filing to the following:

SHIRLEY L HORN ESQ  
25600 WOODWARD AVE STE #214  
ROYAL OAK, MI 48067

and I hereby certify that I have mailed by United States Postal Service the above mentioned documents to the following non-ECF participants:

SYLVIA ANN CHATMAN  
2109 LAKEVIEW APT 153  
YPSILANTI, MI 48198

September 29, 2009

/s/ Shannon Horton

SHANNON HORTON  
For the Office of the Chapter 13 Trustee-Detroit  
719 Griswold  
Suite 1100  
Detroit, MI 48226  
(313) 962-5035  
notice@det13ksc.com